Before the FEDERAL COMMUNICATIONS COMMISSION Washington, D.C. 20554

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In the Matter of

Rules Implementing Must-Carry
and Retransmission Consent
Providions of 1992 Cable Act

MM Docket No. 92-259

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TO: The Commission

APR 1 2 1993

PETITION FOR RECONSIDERATION by Colorado Christian University

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Colorado Christian University is the licensee of KWBI-TV, an educational, non-commercially licensed television station who is vitally interested in carriage on local cable systems. This is especially important to us since cable penetration in the Denver area is very high, all Denver cable systems have refused to carry KWBI-TV, and we depend on reaching viewers to obtain financial support for the station. Pursuant to Section 1.106(b)(1) of the Commission's Rules, we hereby respectfully request reconsideration of one paragraph in its must-carry and retransmission consent rules to implement the provisions of the Cable Television Consumer Protection and Competition Act ("The Act") of 1992. Specifically, the Commission has not adopted the language of Congress and in effect has excluded KWBI-TV and similar stations from the scope of protection which Congress intended.

KWBI-TV meets all the criteria of a "Qualified Noncommercial Educational Television Station" under The Act except we do not have "as its licensee an entity which is eligible to receive a community service grant, or any successor grant thereto, from the Corporation for Public Broadcasting,..." (section 615

No. of Copies rec'd_ List A B C D E (1)(1)) We do not qualify for this grant because the C.P.B. has a programming criterion that does not allow federal grants to stations airing any more than a few religious programs per week. Thus we are excluded from the noncommercial provisions.

However, we are included in the The Act because of the manner in which commercial stations were defined in Section 614 (h) Definitions.— (1)(A): "For purposes of this section, the term 'local commercial television station' means any full power television broadcast station, other than a qualified noncommercial educational television station within the meaning of section 615(1)(1), licensed and operating on a channel regularly assigned to its community by the Commission that, with respect to a particular cable system, is within the same television market as the cable system." An affect of this general wording is to make certain that no full power educational station would lack eligibility, and thus must-carry protection, solely because the station does not qualify for a C.P.B. community service grant.

The Commission in its March 11, 1993, rules intended to implement the Congressional mandate of The Act. However, the wording adopted is more specific in its definition of a local

Thus, I request that the Commission adopt wording that more closely reflects the actual definition of a local commercial television station for the purposes of this section of The Act.

Brinks

Respectively Submitted,

Michael K. Brinks Station Manager